Remarks:

Reconsideration of the application, as amended herein, is respectfully requested.

Claims 1 - 18 are presently pending in the application. Claims 1, 2, 10, 17 and 18 have been amended. As it is believed that the claims were patentable over the cited art in their original form, the claims have not been amended to overcome the references.

In item 3 of the above-identified Office Action, claim 10 was objected to on the basis of an informality. The Examiner's suggested correction has been made.

In item 5 of the Office Action, claims 1 - 18 were rejected as allegedly being directed to non-statutory subject matter under 35 U.S.C. § 101. More particularly, item 5 of the Office Action stated:

> Claims 1 - 18 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.
>
> Claims 1-18 cite a method, program, computer readable medium, and a system for generating a sequence of random number [sic] according to a mathematical algorithm which is considered as an abstract idea. In order for claims to be statutory, claims must be either include [sic] a practical application at useful or a concrete, useful, and tangible result. However, claims 1 - 18 directed to a method, program computer readable medium, and a system which solely solves a mathematical expression without regard for

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the particular practical application of that mathematical expression as generating a sequence of random number [sic] based on a covariance matrix. They also fail to produce a tangible result. In addition, claims 5 - 6 are directed to purely software per se., which lacking storage on a medium to enable any underlying functionality to occur. Also claims 9 - 12 raise an issue of preemption, which attempt to claim every substantial practical application of an abstract idea. Therefore, claims 1-18 are directed to non-statutory subject matter.

Additionally, item 6 of the Office Action, states, in part:

> Applicant's arguments filed 09/11/2006 have been fully considered but they are not persuasive.
>
> a. The applicant argues in pages 14-15 for claims rejected under 35 U.S.C. 101 that the limitation "outputting the at least one sequence of random numbers of 1/f noise" would constitute the concrete, useful and tangible result as required under 35 U.S.C. 101. The examiner respectfully submits that the step of generating the random numbers of 1/f noise would not constitute the tangible result as alleged by the applicant because the result is generated, **but does not physical stored for used in the real application**. In order for claims to be statutory, the physical or real-world application utilizing the tangible result must exist in the claims. [emphasis added by Applicants]

Applicants' have amended claims 1 and 2, one of which claims are incorporated, in whole, into every other claim of the application, to recite, among other limitations "**storing**" at least one of the generated random number of 1/f noise. As such, Applicants respectfully traverse the above rejections, as applied to the amended claims.

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More particularly, Applicants' independent claims 1 and 2 have

been amended to recite, among other limitations:

> **A method for generating at least one sequence of
> random numbers of 1/f noise by a computer system,**
> which comprises the steps of:
>
> . . .
>
> **storing and outputting at least one of the q
> sequences of random numbers of 1/f noise.** [emphasis
> added by Applicants]

All of Applicants' remaining claims incorporate all of the

limitations (i.e., depend from) either Applicants' claim 1 or

claim 2. As such, all of Applicants' claims require, among

other limitations, that the method for generating at least one

sequence of random numbers of 1/f noise **be performed by a**

computer system and that at least one of the q sequences of

random numbers of 1/f noise generated, also be **stored** and

output.

That at least one of Applicants' random numbers of 1/f noise

is **output,** is supported by the specification of the instant

application, for example, on page 21, lines 14 – 17, which

state:

> For each time step of the simulation of the system
> shown in Fig. 1, **a vector OUTPUT of the output
> channels 3 is calculated** for a vector INPUT present on
> the input channels 2 and for a vector NOISE present on
> the noise input channels 4. [emphasis added by
> Applicant]

Further, that at least one of the q sequences of random

numbers of 1/f noise generated is **stored**, is additionally

supported by the specification of the instant application, for

example, on page 20 of the instant application, line 18 - page

21, line 2, which, referring to Fig. 1 of the instant

application, states:

> The system is described by a system model 1 that is
> indexed as a box and describes the system behavior.
> **The system behavior results from input channels 2,
> which are also designated as vector INPUT and from
> output channels 3, which are also designated as
> OUTPUT**. Furthermore, a system-dictated noise is
> provided, which is present on noise input channels 4
> and which is also designated as a vector or as a
> matrix NOISE. The matrix NOISE is present when the
> noise is taken into account with a plurality of
> channels, each column of the matrix NOISE containing a
> vector of noise values which are present on a noise
> input channel. [emphasis added by Applicants]

Additionally, the present invention is realized by a computer

program. See, for example, page 18 of the instant

application, lines 18 - 20. In general, vectors and matrices

can only be calculated **by computers if they are stored on a

storage medium**. All computer systems are inherently

understood to include storage and output devices.

Additionally, it is understood in the art that it is

impossible to generate a vector on a computer without storing

it. Accordingly, the storing of the output vector **in a

storage medium**, containing the simulation output is, at least,

inherently disclosed in the specification of the instant

application. A person of ordinary skill in the art, from whose viewpoint it is required to view the specification, reading the instant application, would absolutely know that vectors and matrices can only be stored using a storage medium and, in fact, could not come to any other conclusion.

As such, Applicant's inventions of claims 1 and 2, and all the remaining claims, all of which reference either independent claim 1 or independent claim 2, **provide a concrete, useful and tangible output** (i.e., of at least one sequence of random numbers of 1/f noise by a computer system). As such, all of Applicants' claims are believed to be statutory subject matter under 35 U.S.C. § 101.

Further, Applicants' claims 17 and 18, which already incorporate all of the limitations of Applicants' claims 1 and 2, respectively, have been amended to recite, among other limitations:

> **simulating the technical system and outputting the result of the simulation.** [emphasis added by Applicants]

As already shown above, the **outputting** of Applicants' random numbers of 1/f noise, is supported by the specification of the instant application, for example, on page 21, lines 14 - 17. It is believed that claims 17 and 18 provide a **further**

concrete, useful and <u>tangible</u> output (i.e., the outputted

results of the technical simulation). As such, claims 17 and

18 are even more clearly the subject of statutory subject

matter.

Further, on page 3 of the Office Action, claims 1 - 18 were

rejected under the judicially created doctrine of obviousness-

type double patenting in view of copending U. S. Patent

Application Serial No. 10/289,827. Applicant submits that a

terminal disclaimer can be filed in **<u>one of</u>** the present

application and co-pending Application No. 10/289,827, if the

claims of the present application and the claims in the co-

pending Application No. 10/289,827, remain obvious over each

other at the time of allowance of either of these

applications. Applicant notes that in the MPEP discussions on

terminal disclaimers (MPEP § 804), the terminal disclaimer is

to be filed in the **<u>later-filed application</u>**, once an

application has been found to be allowable. Additionally,

once the terminal disclaimer is required in the **later-filed**

application, it appears from MPEP § 804 that the **provisional**

rejection is to be withdrawn in the earlier-filed application.

Neither of the two present cases has yet been found to be

allowable. At such a time as one of the two cases is

indicated as being allowable, and if the claims of the two

cases remain obvious over one another, Applicants will file a

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terminal disclaimer **in connection with the later-filed**

application, as required by the MPEP. Applicants additionally

note that the present case is the **earlier-filed application,**

including **the earliest claimed** priority date under 35 U.S.C. §

119 from a German Application **filed on December 22, 2000,**

whereas co-pending patent application no. 10/289,827 claims

priority under 35 U.S.C. § 119 from a German Application **filed**

on November 7, 2001.

Applicants further reserve the right to argue differences

between the inventions disclosed in co-pending Application No.

10/289,827 and the instant application, at a later date, to

possibly show that a terminal disclaimer should not be

required in either case.

It is accordingly believed that none of the references,

whether taken alone or in any combination, teach or suggest

the features of claims 1 and 2. Claims 1 and 2 are,

therefore, believed to be patentable over the art. The

dependent claims are believed to be patentable as well because

they all are ultimately dependent on claims 1 or 2.

In view of the foregoing, reconsideration and allowance of
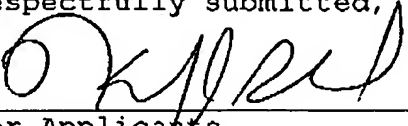
claims 1 - 18 are solicited.

Applic. No. 10/601,537
Response Dated January 2, 2007
Responsive to Office Action of November 1, 2006

In the event the Examiner should still find any of the claims
to be unpatentable, counsel would appreciate receiving a
telephone call so that, if possible, patentable language can
be worked out.

A Request for Continued Examination (RCE), and its associated
fee, are being filed simultaneously herewith. If an extension
of time for this paper is required, petition for extension is
herewith made.

Please charge any fees that might be due with respect to
Sections 1.16 and 1.17 to the Deposit Account of Lerner
Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

                                         Kerry P. Sisselman
_____   Reg. No. 37,237
For Applicants

January 2, 2007

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